

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 23-80101-CR-CANNON-REINHART

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

**UNOPPOSED MOTION FOR LEAVE FOR FORMER ATTORNEY GENERAL
MICHAEL B. MUKASEY TO JOIN [ECF NO. 364], BRIEF FOR FORMER ATTORNEY
GENERAL EDWIN MEESE III, LAW PROFESSORS STEVEN CALABRESI AND
GARY LAWSON, AND CITIZENS UNITED AS *AMICI CURIAE* IN SUPPORT OF
DEFENDANT PRESIDENT TRUMP'S MOTION TO DISMISS [ECF NO. 326]**

Former United States Attorney General Michael B. Mukasey respectfully requests leave of this Court to join former United States Attorney General Edwin Meese III, along with Professors Steven Calabresi and Gary Lawson, Citizens United, and Citizens United Foundation, as an *amicus curiae* in the brief filed by those *amici* regarding the illegality of Jack Smith's appointment under the Appointments Clause, [ECF No. 364]. Attorney General Mukasey is an *amicus* along with the other *amici* here in a brief making many of these points at the Supreme Court in a case currently under advisement, *Trump v. United States*, No. 23-939 (argued U.S. Apr. 25, 2024). Attorney General Mukasey respectfully asks that this Court permit him to join the *amici* on this issue currently being considered by this Court to associate himself with the points presented in [ECF No. 364].

1. Michael B. Mukasey served as the eighty-first Attorney General of the United States and previously served as a Judge on the United States District Court for the Southern District

of New York. He served as Attorney General of the United States after the Independent Counsel Act expired and the Reno Regulations were issued that purport to govern the appointment of Special Counsels, the constitutionality of which are at issue here. This Court would benefit from Attorney General Mukasey's knowledge of Justice Department operations and legal authorities.

2. This Court has authority to allow an additional *amicus curiae* to join a group of current *amici*. It is undisputed that "a district court has the inherent authority to manage and control its own docket so as to achieve an orderly and expeditious disposition of cases." *Equity Lifestyle Prop., Inc. v. Fla. Moving & Landscape Serv., Inc.*, 556 F.3d 1242, 1240 (11th Cir. 2009). This Court already granted leave to file the underlying *amicus* brief. [ECF No. 367]. It therefore follows *a fortiori* that the power of this Court to permit a group of *amici* to file a brief includes the lesser power to add one more *amicus* to that group.

For these reasons, *Amicus Curiae* Attorney General Mukasey asks leave of this Court to join the brief docketed at [ECF No. 364].

CERTIFICATION OF GOOD-FAITH CONFERENCE

Pursuant to Local Rule 88.9(a), undersigned counsel certifies that he conferred via email with counsel for the Government and counsel for all Defendants regarding the relief requested in this motion. No party objects to this Motion.

May 28, 2024

Respectfully submitted,

/s/ Edward H. Trent
GENE C. SCHAERR*
EDWARD H. TRENT (FSB #957186)
Counsel of Record
JUSTIN A. MILLER** ***
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 787-1060
gschaerr@schaerr-jaffe.com
etrent@schaerr-jaffe.com
jmiller@schaerr-jaffe.com

Counsel for Amici Curiae

*Admitted *pro hac vice*

** *Pro hac vice* application forthcoming

*** Not yet admitted in D.C.
Practicing under the supervision
of D.C. bar members.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2024, I caused a true and correct copy of the foregoing to be served via ECF on all parties and counsel of record in this matter.

/s/ Edward H. Trent
Edward H. Trent